

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

TYRONE P. JAMES

Plaintiff,

v.

YORK COUNTY POLICE DEPARTMENT,  
JAMES H. MORGAN, RICHARD PEDDICORD,  
RAYMOND E. CRUAL, GENE FIELDS,  
DET. KESSLER, CO. BAYLARK,  
RANDY SIPES, BRIAN WESTMORELAND,  
and DETECTIVE GLOWCZESKI  
Defendants,

CIVIL ACTION NO. 1:01-CV-1015

(Judge Kane)  
JURY TRIAL DEMANDED

FILED  
HARRISBURG

APR 09 2004

MARY E. D'ANDREA, CLERK  
Per                      DEPUTY CLERK

NOTICE OF APPEAL

I, Tyrone P. James, am the plaintiff's in the above entitled action; I hereby appeal the order entered by Magistrate, Malachy E. Mannion, on March 29, 2004, to the District Judge, Honorable Kane.

QUESTION FOR APPEAL

1. Whether the Magistrate Judge, Malachy E. Mannion abused his discretion by the denial of Appointment of Counsel.

2. Whether plaintiff's is being prejudiced by the Magistrate refusal of Appointment of Counsel.

3. Whether the case involves complex testimony warranting counsel.

4. Whether expert testimony is of such significant constitutional degree as to warrant immediate appointment of counsel to represent this case?

5. Whether it was actually plaintiff's who competently and effectively represented his case thus far, or whether it was his assistant who is no longer available?

6. Whether plaintiff's as a mentally disability and a indigent prisoner, with disability to conduct adequate discovery, Depositions of the Defendants and Witnesses, in Pennsylvania and California, that's necessary leverage for argument over credibility of the Defendants? Where appointment of counsel is appropriate, because plaintiff has present a colorable claims; 28 U.S.C.

1915(e)(1)(2000); Hamilton v. Leavy, 117 F.3d 742, 749 (3d. Cir. 1997).

7. Whether appointed attorney can better expedite the case according to the Civil Justice Expense And Delay Reduction Plan in the interests of justice?

Respectfully Submitted,

Date: April 6, 2004.

*Tyrone James.*

Tyrone P. James, Pro se, EX 9451

Plaintiff's

P.O. Box A  
Bellefonte, PA 16823-0820

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(Judge Kane)

JURY TRIAL DEMANDED

ORDER

On this \_\_\_\_\_ day of \_\_\_\_\_, 2004, upon consideration of the Plaintiff's Notice of Appeal and Questions for the Appeal and upon review of the defendants Objections/Response; IT IS HEREBY ORDERED, that

1. The Notice Of Appeal is granted for the purpose determining whether the appointment of counsel is essential for the plaintiff's case.

2. Counsel will expeditiously appropriate this case accordingly to the Civil Justice Delay And Deduction Plan.

3. The Parties have (20) days to file Memo of law in compliance with this Order.

By The Court

\_\_\_\_\_  
Judge

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RANDY SIPE, BRIAN WESTMORELAND,  
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CERTIFICATE OF SERVICE

I, Tyrone P. James, Plaintiff's, pro se, hereby certified that, I am this day serving a true and correct copy to assigned counsel's, "Notice Of Appeal; Questions For Appeal," in the manner set forth below to the following, by placing said legal manila envelope, deposited into the institutional mail box, and turning over said documents to prison officials for mailing:

BY FIRST CLASS U.S. MAIL:

Jason C. Giurintano  
Office Of The Attorney General  
15th Floor, Strawberry Square  
Harrisburg, PA 17120

Donald L. Reihart  
Law Office Of Donald L. Reihart  
3015 Eastern Boulevard  
York, PA 17402

Kristin G. Hogue, SDAG  
State Of California, Department Of Justice  
Office Of Attorney General  
110 West A Street, Suite 1100  
P.O. Box 85266  
San Diego, CA 92185-5266

I, Tyrone P. James, verify, under penalty of perjury, that the foregoing, "Notice Of Appeal, and Questions For Appeal," is true and correct to the best of my knowledge and belief, pursuant to 28 U.S.C. § 1746.

Respectfully Submitted,

Date: April 6, 2004,

*Tyrone James*

Tyrone P. James, Pro se, Ex 9851  
P.O. Box A  
Bellefonte, PA 16823-0820.

Plaintiff's.

NAME: ~~EXX4451~~ Tyrese James  
NUMBER: EX9451  
BOX A  
BELLEFONTE, PA 16823-0820

*Legal Mail!*

INMATE NO.  
PA DEPT OF  
CORRECTIONS

*Office of The Clerk*

*United States District Court*

*United State Courthouse*

*228 Walnut Street*

*P.O. Box 983*

*Harrisburg, PA 17108*

17108+0383

